

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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THEODORE HOOKS,

Plaintiff,

v.

VENETIAN PALAZZO CASINO,

Defendant.

2:10-cv-01547-KJD-LRL

ORDER

The plaintiff has submitted an Application to Proceed *In Forma Pauperis* and a Complaint (#1). Although plaintiff filed the Complaint using the court's § 1983 civil rights complaint form, the court construes plaintiff's Complaint to state a claim under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et. seq.* The court finds that the plaintiff is unable to prepay the filing fee and thus *in forma pauperis* status is warranted. Plaintiff has attached to the Complaint the requisite Right to Sue notice from the U.S. Equal Employment Opportunity Commission, mailed on June 11, 2010. *See* 42 U.S.C. § 2000e-5(f)(1) (requiring notice of right to sue prior to bringing claim in federal court). As explained in the Right to Sue notice, plaintiff must file his case in federal or state court within 90 days of receipt of the notice, or his right to sue will be lost. Plaintiff does not state when he received the notice, but even assuming he received it the day after it was mailed, or June 12, 2010, he has filed the instant action within the deadline, albeit on the 90th day.

Accordingly, and for good cause shown,

IT IS ORDERED that plaintiff's Application to Proceed *In Forma Pauperis* (#1) is GRANTED.

IT IS FURTHER ORDERED that the plaintiff is permitted to maintain the action to conclusion without the necessity of prepayment of any additional fees, costs, or security. This Order granting *in forma pauperis* status shall not extend to the issuance of subpoenas at government expense.

1 IT IS FURTHER ORDERED that the Clerk of Court shall file the complaint, issue summons
2 to the defendants named in the complaint, and deliver the summons to the U.S. Marshal for service. The
3 plaintiff shall have twenty (20) days to furnish to the U.S. Marshal the required USM-285 forms.

4 IT IS FURTHER ORDERED that after plaintiff receives copies of the completed USM-285
5 forms from the U.S. Marshal, he has twenty (20) days to file a notice with the court identifying which
6 defendants were served and which were not served, if any. If the plaintiff wishes to have the U.S.
7 Marshal attempt service again on any unserved defendants, then a motion must be filed with the court
8 identifying the unserved defendants, specifying a more detailed name and address, and indicating
9 whether some other manner of service should be used. Pursuant to the Federal Rules of Civil Procedure
10 Rule 4(m), service must be accomplished within one hundred twenty (120) days from the date that the
11 complaint was filed.

12 IT IS FURTHER ORDERED that henceforth plaintiff shall serve upon defendants, or their
13 attorney if they have retained one, a copy of every pleading, motion, or other document submitted for
14 consideration by the court. Plaintiff shall include with the original paper submitted for filing a certificate
15 stating the date that a true and correct copy of the document was mailed to the defendants or their
16 counsel. The court may disregard any paper received by a district judge, magistrate judge, or the Clerk
17 which fails to include a certificate of service.

18 DATED this 22nd day of October, 2010.

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21 **LAWRENCE R. LEAVITT**
22 **UNITED STATES MAGISTRATE JUDGE**
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